

We Understand  
Community  
Associations!

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## THE SIGN OF THINGS TO COME

You probably have seen them pop up around your neighborhood. They often are blue, but sometimes they are yellow, green or even red. They usually are large enough to read well, but some are so small that you must pull off the road to read them. They may seem innocuous, but they can impact property values in your community as much as any amenity activity or project in your community. What are they?? They are official governmental rezoning signs. Whatever their size or color, they are the sign of change that may be coming near your community.

With the economic rebound over the past 18 months, metropolitan Atlanta has seen a rapid increase in rezoning activity. Properties that were not economically feasible to develop for many years are now being looked at with a fresh eye and new access to funds for development. New apartment complexes, retail centers and other mixed-use developments are sprouting across the metropolitan area. Is there a farm down the road from your community, an empty auto dealership or an old shopping center? These are the types of parcels that developers look to rezone to much higher density and impactful uses, like apartments or other multi-family properties, or even retail or commercial centers.

**What can your Board of Directors and neighborhood do?** While the current zoning for a parcel will tell you how it can be used today, almost every Georgia city and county has an official long-term land use plan that is a *roadmap for developers*. The long-term land use plan states (and shows on a map) the city's or county's desire and plan for how every parcel of land in the city or county should be used in the future. This essentially tells developers what to ask for in a rezoning. If there are underused parcels near your community, consider reviewing your local government's website to check out the long-term land use plan for your area.

**If a rezoning sign appears near your community, be ready to quickly mobilize!** There are typically anywhere from two to four public meetings and hearings to consider rezoning applications in most cities and counties, so you do have opportunities to have your voice heard. With the common governmental goal of expanded urban development, it may be difficult to completely stop a rezoning, but with attorneys knowledgeable and experienced in zoning, you can develop strategies to negotiate with

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*\*Individual situations may vary. This document is not intended to use as specific legal advice.*



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developers and city or county officials to minimize the impact of redevelopment on your community. Most developers want to work out a reasonable compromise with surrounding communities to obtain their support (or at least to avoid having 200 folks show up at a hearing!). Community associations and neighborhood groups have never had as much potential influence on land use as they do today. In many cases, a reasonable deal can be negotiated, while in other instances, a middle ground is not possible.

**If your community is faced with a rezoning or development that impacts your community, get help quickly!** Here are practical tips:

- ⇒ Obtain a copy of the application filed by the developer.
- ⇒ Become savvy as to the specific criteria used by the city or county to make the rezoning decision.
- ⇒ Have your attorney meet with the city or county Planning Department staff.
- ⇒ Seek support from and meet with your city council members or county commissioners.
- ⇒ Attend all the meetings and hearings.
- ⇒ If it appears that the city council or county commission is going to make a decision that is unreasonable, talk to your attorney about the limited opportunity to sue to overturn an onerous decision.

Keep in mind that all land is entitled under Georgia law to a reasonable economic use – this means that while we may wish a farm

would remain just that, the owner is entitled to rezone the land for a reasonable improved use --- but the owner is not entitled to the most profitable use. Most often negotiations can lead to a use that is reasonable for all concerned. Also remember, though, the Board of Directors' ultimate responsibility is to preserve, protect and enhance property values in your community, and property values are impacted by issues inside and outside your community. If your community is impacted by adjacent rezoning or redevelopment, contact us to help.

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